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# The Commissioners Report to Edward Kent, Esq. Governor of the State of Maine 1838

Maine. Commissioners of the North East Boundary

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M. P. Norton

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Maine. Commissioners on the Northeastern Boundary.  
The Commissioners Report.

To Edward Kent, Esq.

Governor of the State of Maine.

~~The-Commissioners-Report~~

The commissioners appointed & commissioned on the third day of Sept. last, under the resolve of the Legislature approved March 23, 1838, to "ascertain, run and locate" the boundary line of the state, ~~respectfully-report~~ ~~ask-leave-respectfully-to-report,~~ that they met at the Bangor house in Bangor on the thirteenth day of said Sept for the purpose of organizing & conferring with the Governor & with each other upon the best & most practicable mode of accomplishing the objects of said resolve & fulfilling the duties <sup>required</sup> ~~imposed-upon~~ them by their appointment & after a full & deliberate ~~consideration-of~~ examination of the various considerations which might properly bear upon the question ~~it-was~~ they were led to concur with him in the opinion that the only measure that could be attempted the present season, with any reasonable prospect of success, was an examination & exploration of the region round about the north west angle of Nova Scotia & a review of such part of the line of exploration run by the surveyors under the treaty of Ghent in 1817 & 18 as they might find time to examine as a preliminary measure to the commencement of the running & locating a meridian line from the monument.

One consideration, ~~which~~ among others which had great weight in leading to this course was the fact, that the officers, agents & diplomatists of the British Government, had so long & so positively & so pertinaciously asserted & maintained that no highlands could be found dividing the waters running into the <sup>River</sup> St. Lawrence from those



which fall into the Atlantic Ocean & answering in character & location to the highlands described ~~in the definitive treaty~~ & undertaken to be established as the boundary in the definitive treaty of peace--that not merely high officers of the government, but many of our own people were strongly inclined to give credit to the assertion--it is true that a little reflection upon the subject might have seemed sufficient to convince any man of common sense, unless the laws of nature & of gravitation were reversed, that these representations were entirely unfounded in truth, for unless water in that region did not run down hill--or that it run indiscriminatively from the River St. Lawrence to the Atlantic Ocean & from the Atlantic Ocean to the St. Lawrence or unless the whole boundary line is ~~in the bed of a lake or in an interminable~~ ~~en-butchered-reversed-highlands,--perhaps-in-the-bed-of~~ ~~morass~~ ~~a-river,~~ <sup>which</sup> it must necessarily & inevitably follow that the Lands <sup>divide-</sup>ing & separating these waters and turning them on their course in opposite directions, to remote & distant seas, are highlands in the sense intended by the treaty, whether you compare them with the level of the seas to which their waters flow or the more immediate intervening Lands over which these waters <sup>seek</sup> take their passage---but it is nevertheless still further true that even our own government has seemed recently to entertain some doubts of the existence of these highlands in the direction of a due north line from the monument--it was believed <sup>therefore</sup> to be exceedingly important to set them right on this point & to test the <sup>or falsehood</sup> truth of the region in dispute.

In pursuance of these views & after instructions of the Executive whose duty it was <sup>cause</sup> made by the resolved themselves to ~~carry~~ <sup>carry</sup> them into effect to be carried into effect--arrangements were etc.--



The exploring line had, on former occasions, in the excursions of the commissioners individually in the forest, in pursuing their own business individually, been seen and examined in various places between the monument and the point where it crosses the river St. John; and therefore it did not seem to be necessary to do much on that line, unless it could be accurately run, so that no future survey would show any error in it. The State had not the proper instruments the true meridian or due north line, and it was ascertained, they could not be ascertained and tested as to their accuracy in time to do anything ~~this~~ ~~season~~ before the weather would prevent the survey this season.

It was concluded to make the chief explorations and surveys to the northward of the river St. John, and to and about the northwest angle of Nova Scotia as described in the treaty of 1783 and thence westwardly on the highlands which divide the rivers emptying themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; and when the weather should prevent operations in that quarter, to examine the line South to the Monument--such instruments as were necessary for taking altitudes and levels and such surveys as were necessary to make this season could be procured without great delay.

In pursuance of these views and of the instructions of the Governor whose duty it was made by the British themselves to cause them to be carried into effect arrangements &c #



be

~~easy-to-be-made, -could be procured without great delay.~~

# arrangements were made for procuring the necessary instruments, provisions and men for the exploration and survey this season. When they were procured, most of the men went with the provisions up the Penobscott and Sebois river, from whence they carried over into the Aroostook river and descended it to the little Machias river. Two of the Commissioners and Capt. Parrot the Surveyor went by the way of the Aroostook river, and the other Commissioners by the way of Moosehead lake and the Penobscot and Aeguash rivers. From the Aroostook river one Commissioner and seven of the men went by the way of the little Machias and Fish rivers, and one Commissioner and the Surveyor descended the Aroostook, all intending to meet at the <sup>mouth of the</sup> Grand river, the first river <sup>of</sup> falling into the river St. John from the north, westward of the exploring line, and twelve or thirteen miles from it.

The party which arrived first, was to ascend the Grand river without delay and the others were to follow in succession as they arrived. The several parties arrived at different times. The first one, ascended Grand river, leaving marks and directions at various places, by the river at the portages and on the line, <sup>ing</sup> <sup>others</sup> advising them of the best mode of following. The Commissioners, Surveyor and laborers, with three Indians, <sup>all</sup> in number fifteen ~~including all~~, arrived at the highlands near Metis river, a river emptying into the river St. Lawrence. The whole was there divided into three parties--one party explored ~~explored~~ the highlands and streams in various directions, another party explored <sup>t</sup> and surveyed westwardly on the highlands dividing the waters &c.



under the direction of Wm. Parrot the Surveyor appointed by the Governor and the third party, took various observations to ascertain the longitude of the exploring line and also to determine the magnetic variation and make a vertical survey south on the line, to ascertain the elevation.

The land at the northern part of the exploring<sup>line</sup> and in the region round about it, is found to be sufficiently high to divide the rivers emptying themselves into the river St. Lawrence from those which fall into the Atlantic Ocean. From the Metis, (called by the surveyors under the fifth article of the treaty of Ghent, Beaver Stream) the land rises in south of it on the exploring line, of Wm. P. Parrot about one mile<sup>^</sup> by the report and plan of the surveyor which is herewith communicated, more than three hundred feet. The land in this region is very high, in large swells, ridges and mountains. Between the Metis and Katawamkedgic or the great forks of the Ristigouche, is the highest land found on the whole exploring line north of the monument. Such was the estimation of the surveyors under the fifth article of the treaty Ghent, in which estimation we fully agree.

The Metis by measurement of the surveyor in his report and profile is five hundred and thirty-one feet above the level of the Katawamkedgic or great forks where the line crosses it, and in a distance of about fourteen and a half miles. Within about one mile from the Metis<sup>on the exploring line</sup>, the land rises to an elevation of three hundred & thirty feet above its level. The divided and where the North West angle of Nova Scotia is to be found. line South of the Katawamkedgic, or great forks to the river Ristigouche, passes most of the way, over high broken and mountainous ridges, a little more less depressed than those north of the Katawamkedgic, and the depression increases, as the Ristigouche is approached.



South of the river Ristigouche and between it, and the stream emptying into the river St. John is Sugar Mountain, or more properly Sugar Mountain ridge. The line passes over the summit of it. It is a large swell & a tract of fine land, free from stones and covered with an heavy growth of birch and rock maple, with a little mixture of fir and spruce. It is less elevated than the land before described to the north of the Ristigouche and the Katawamkedgwie, to the river Metis. According to the principal British surveyor under the fifth article of the treaty of Ghent in 1817, Col. Bouchette's survey, vertical section, and profile of the country from the monument ninety-nine miles north, sugar mountain is shown to be the highest <sup>land</sup> upon, or near the line, <sup>in that distance from the monument</sup> which is undoubtedly the fact. They also <sup>show</sup> a continual rise <sup>in</sup> ~~in~~ the base of the whole country as indicated by the level of the streams, and the land over which the line passes to the waters of the river Ristigouche. It shows the Meduxnekeag to be higher than the monument, and the Presquale, the DeChute, Aroostook, St. John and Grand rivers all rising <sup>successively</sup> one higher than the other above the level ~~of the level~~ of the sea and the Wagensis at the termination of of the ninety-nine miles ~~was~~ is higher above the level of the sea than any river South of it. A copy of Col. Bouchette's survey and profile, is for the purpose of illustration annexed to the map.-

Wm. T. Odell the British surveyor of the continuation of the exploring line from Sugar Mt. North, in 1818 says "the general face of the country may be considered as increasing moderately in elevation northward from the Ristigouche". It does <sup>so</sup> as has been before shown. The levels of the rivers ~~waters~~ above the sea also increase. As far as the level ~~of the stream~~ the Ristigouche and Katawamkedgwie can be ascertained from comparative velocity, depth and width of the streams formation of the bottom and



sides, it appears, that the Katawamkedgwic is as high, <sup>& probably</sup> ~~12-14~~ higher from the level of the sea, than the Ristigouche or Wagansis where the line crosses them. Admitting the different streams to be of the same height above the level of the sea, the Metis or Beaver pond is five hundred and thirty-one feet higher--a base line from which <sup>drawn South</sup> will show a general inclined plan ~~as~~ descending from thence to the monument, <sup>at the source of the river St. Croix</sup> and that the general elevation of the highlands will be between <sup>two</sup> ~~2~~ and three thousand feet also, above the level of the sea. There is the place where the treaty of 1783 describes the North West angle of Nova Scotia to be.

From the North West angle before described, westwardly between the rivers Metis and Rimausky emptying themselves into the river St. Lawrence, and the Katawamkedgwic, Green and Tuledi rivers, falling through ~~various~~ channels of various names into the Atlantic Ocean, the base of the country <sup>rises as so</sup> ~~do the~~ highlands dividing the <sup>rivers</sup> ~~waters~~ &c, and so do the prominent points of land or mountains above the level of the sea. The land must rise or at least cannot be depressed to the head of the river St. John and its other branches as they are longer streams with rapid currents.

In some instances streams of rivers running in opposite directions have their sources on high and elevated land, which is wet and filled with springs and may very properly be called swamps, but in all such cases there is a dividing point, from whence the waters run in different directions and discharge <sup>themselves into remote</sup> ~~in-distant~~ parts of the sea. The source of the Saco river and the Amonosuck, a branch of the ~~the~~ river Connecticut is a remarkable <sup>among others</sup> instance; they rise in the same swamp and almost in the same pond at an elevation of twenty-five hundred or three thousand feet above the level of the sea. No doubt there may be found on the highlands dividing



the waters &c, on the boundary line swamps which drain each way; the most remarkable instance of the sort is at the sources of the St. John, north branch of the Penobscot, and Metgametta which discharges itself through the De Loup and Chaudiere into the river St. Lawrence. The aforesaid rivers have their sources in the same swamp within the compass of half a mile of each other, ~~ether~~ and in one instance, at least, streams run in opposite directions which are only six rods apart. The respective streams from this place as well as from some others in this region run for some distance through swamps and land but little elevated above them. The British here, <sup>have</sup> find no difficulty in finding the highlands dividing the waters &c, according to the treaty of 1783 as a part of the boundary. They are the highlands dividing the <sup>rivers</sup> waters &c and were such ~~to be~~ the case <sup>be</sup> all the way on the line to the North West angle of Nova Scotia, it would, <sup>be</sup> line described, meant and intended by the treaty of 1783. All the elevation necessary on the line, <sup>is</sup> only one barely sufficient to divide, <sup>the rivers &c</sup> not hills nor mountain ranges. The treaty says not a syllable about mountains, mountain ranges or even hills.

The course of the Metis river by the North West angle, is north-westwardly and pursues that general course from the <sup>best</sup> authorities to the river St. Lawrence. The land on the Southwestwardly <sup>side</sup> runs in a north-westwardly direction, and many streams are found running rapidly from it on the one hand into the <sup>& St. Lawrence</sup> Metis, and on the other into the Katawamkedgic & Atlantic Ocean river. On the northwesterly side of the Metis a range of high and mountainous land is seen extending ~~several miles~~ in a N.N.W. & S.S.E. direction for several miles. The whole region as has been before shewn, is very high & elevated above the level of the sea, and not only that, it



is very elevated above the streams which run through it. We also find by our explorations and examinations, that there is no <sup>uncertainty or difficulty</sup> ~~difficulty~~ in tracing and locating the line from ~~the~~ the North West angle of Nova Scotia westwardly along distant highlands which divide the rivers &c as described in the treaty of 1783.

The soil in the region round about the N. West angle of Nova Scotia and on the line appears to be of excellent quality covered with an heavy growth of fir, spruce, ~~fir~~ yellow, black & white birch, mountain ash cherry trees and a very few pines. In some places the hard wood <sup>evergreens</sup> predominates, but more generally the ~~soft-woods~~ particularly in the valleys. The soil is free from stones of any considerable size or rocks or ledges, none appearing above the surface and where trees have been turned up by the wind, the soil appears to be of a redish colour, in which <sup>are</sup> ~~is~~ limited fragments of redish sandstone & slate.

& its ~~branches~~ tributaries

The land on the river St. John, <sup>it</sup> is also of excellent quality, the soil is generally a deep rich loam and free from stones, the ridges or swells of land are covered with an heavy growth of timber. But few inhabitants are settled upon <sup>it</sup>, perhaps three thousand or thereabouts, and where they cultivate it, their labor is abundantly rewarded in the large crops of wheat barley buckwheat oats potatoes hay &c.; its great freedom from stones renders the cultivation easy. Pine timber is abundant on the river St. John and its branches, all of which are navigable for the transportation of supplies and the driving the logs nearly to their sources, and there is also an abundance of water power for mills. The resources of the country are great, whether its soil, or its timber be ~~considered~~ considered, no equal portion of the state bears any comparison to it, and more than one half of the whole pine in the State is upon it.



It may be worthy of a passing remark, that the southeasterly lake at the head of the Aeguash river is higher, probably thirty feet, than a lake opposite called Websterspond at the head of one of the branches of the east branch of Penobscot river, the distance from lake<sup>to lake</sup>, is half a mile the land is low, and to every appearance a canal<sup>may</sup> be cut across at a small expense. If a dam were to be built at the outlet of the Bamchenungamook lake and a canal<sup>cut</sup> dug, the timber, from a great tract which abounds in excellent pine timber, may be sent down the Penobscot river.

The Metis river limited the explorations to the Northward and when the explorations in that region were interrupted by the weather and could not be continued for the want of provisions, the exploration was continued south towards the monument, examining and ascertaining the course<sup>of</sup> the exploring line was run, and the ~~fine~~<sup>out</sup> magnetic variations and longitude.

The exploring line run in 1817 & 1818 under the fifth article of the treaty of Ghent is well enough run and marked for the purpose for which it was intended, not being intended to be the permanent line. The line is a succession of slight curves not varying much from a true meridian<sup>in 1817</sup>. The surveyor, ascertained the magnetic variation at the monument, the De Chute, Aroostook, Ristigouche, Mempticook or little forks, Katawamkedgic or great forks and at the Metis<sup>rivers</sup>. They began their survey with about fourteen degrees variation, and ended with about seventeen degrees and forty-five minutes. The westerly variation has increased and is now at the North West angle,  $19^{\circ} 12'$  nearly.



On the map accompanying this report the commissioners have endeavored to give a true delineation of the features of the country, its rivers and mountains, as far as they could from their own explorations, and other explorations and surveys. The river St. John and its principal branches are laid down from explorations and surveys, - the Fish and Aroostook & Penobscot rivers, rivers and their branches from the surveys as far as the have been made by Massachusetts or Maine and Massachusetts. The heads of some of the westerly branches of the Fish and Aroostook rivers and the branches of the Aliguash are taken from the information given by Indians and others, so are some of the small and unimportant streams in other parts. The shores of the river St. Lawrence and the rivers emptying into it are taken from Col. Bouchette's map published in 1815 so are the mountains and other features of the country excepting only the river Etchemen and River du Sud which <sup>were</sup> taken from Wm. Henderson's map who says he laid them down from actual surveys.

The lines are described on the map, according the British proclamation of 1763, the act of Parliament of 1772 and the commissions to the governors of the Province of Quebec and Lower Canada, also the west line of the Province of Nova Scotia from 1763 untill the Province of New Brunswick was separated from it, and of the Province of New Brunswick to the present time as the line is described in all the commissions to the governors, also according to the treaty of 1783, all shewing the lines in the same place so far as the state of Maine extends. These repeated and reiterated parts, shew that the treaty of 1783, only adopted the lines, previously established by, and, were well understood by the British; they also shew that the British equally well know at this time where the lines then established are, and must be applied to the



surface of the earth. The only difference in the lines of the Proclamation, Act of Parliament, <sup>and treaty</sup> is about the heads of Connecticut river and west of it, which are delineated upon the map as far west as it extends.

It is difficult to imagine a more certain and accurate description of boundaries than those contained in the treaty of 1783, or a description of boundary which, with more certainty <sup>can</sup> be applied on the earth's surface. Its monuments <sup>are</sup> as fixed and certain as the pole and the everlasting hills, so long as the laws of motion and gravitation shall continue.

It may not be unimportant to enquire what the British claim is, and what the boundaries of their Provinces are, so far as they are connected with the Northeastern boundary? It is well known as an historical fact, that the British and French <sup>long</sup> contended for empire in America--each endeavoring to expel the other. Oct. 7, 1691 by the charter of William and Mary the Province of Massachusetts Bay contained what is now the State of Maine and the Provinces of Nova Scotia and New Brunswick, with the part of Canada lying between Maine & New Brunswick on the one hand and the river St. Lawrence on the other. In 1719 the Province of Nova Scotia had a separate governor without any specified limits further <sup>than</sup> ~~that~~ could be gathered from the description "Nova Scotia or Acadia in America". Thus the Provinces continued untill the peace which ended the War of 1756, which put and to right a jurisdiction of the French.

The Royal Proclamation of Oct. 7th, 1763 establishes the govern<sup>men</sup>t of Quebec and so much of the southern boundary <sup>as is connected with present controversy</sup> it, is "whence the said  
"line crossing the river St. Lawrence & the Lake Champlain in forty-five  
"degrees of North Latitude passes along the highlands which divide the  
"rivers that empty themselves into the river St. Lawrence from those



"which fall into the sea and also along the North coast of the Bay  
 "des Chaleurs and the coast of the Gulph of St. Lawrence to Cape  
 "Rosieres & from thence crossing the mouth of the river St. Lawrence, &c."

Gov. James Murray was the first Governor of the Province of  
 Quebec and his commission was dated Nov. 21st, 1763 and contains the  
 same description of Boundary. In the commission to Gov. Montague  
 Wilmot dated Nov. 21st, 1763 appointing Gov. of the Province of Nova  
 Scotia, the North & West boundaries are thus described "To the North-  
 ward, <sup>by</sup> our said Province shall be bounded by the Southern boundary of our  
 "Province of Quebec as far as the Western extremity of the Bay des Chaleurs  
 "To the Westward", "It shall be bounded by a line drawn from Cape Sable  
 "across the entrance of the Bay of Fundy to the mouth of the river St.  
 "Croix by said river to its source and by a line drawn due North from  
 "thence to the Southern boundary of our Colony of Quebec." It follows  
 that all the territory which was not taken by the proclamation of 1763  
 and changed by the commission to Gov Wilmot was still the Province of  
 Massachusetts bay, and therefore its Northeastern boundary was the river  
 St. Croix and a line drawn due from its source to the South line of  
 the Province of Quebec and thence westwardly along the highlands which  
 divide the rivers emptying themselves into the river St. Lawrence from  
 those which fall into the sea as far westward as the province of Massa-  
 chusetts Bay extended.

The same boundary as was described ~~was continued in the~~ in the Procla-  
 tion of 1763 and in the Com to Gov. James Murray was continued in the  
 Commissions to the succeeding Governors of the Province of Quebec  
 untill after the passing of an Act by the British Parliament--entitled



"An act for making more effectual provision for the Government of the Province of Quebec, in North America"--passed in 1772. The act aforesaid bounds the Province of Quebec, "on the South by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Sea", to a point in forty-five degrees of northern latitude on the eastern bank of the river Connecticut, keeping the same latitude direct by west, through lake Champlain, untill, in the same latitude, it meets the River St. Lawrence". The lines described by the Proclamation and Act of Parliament differ only about the head of Connecticut river, and from Connecticut river to lake Champlain.

In the Commission to Gov Frederic Haldimand of the Province of Quebec dated Sept. <sup>18th</sup> 1777 the same boundary is precisely and literally recited. The Commissions to Gov Campbell in 1765, to Gov Legge in 1773, & to Gov Parr in 1782 ~~all~~ successive Governors of the Province of ~~es~~ ~~the Province~~ of Nova Scotia, all contain the following boundaries, "Bounded on the Westward by a line drawn from Cape Sable across the entrance of the bay of Fundy to the mouth of the river St. Croix by same river to its source and by a line drawn due North from thence to the boundary as far as the western extremity of the Bay des Chaleurs, to the eastward by the said Bay and the Gulph of St. Lawrence &c." Such were the boundaries of the respective British Provinces, <sup>up to &</sup> at the time of the Revolution, made, and recited again, & again by the King & Council, and Parliament, for a period of nearly twenty years.

<sup>between Great-Britain- & the United States & Britain</sup>  
The definitive treaty of Sept 3rd 1783, declares and describes the boundaries as follow "And that all disputes which might arise in future on the subject of the boundaries of the U States may be pre-



"vented, it is hereby agreed and declared, that the following are and  
 "shall be their boundaries, viz: From the North West angle of Nova Scotia  
 "viz: that angle which is formed by a line drawn due north from the source  
 "of the St. Croix river to the highlands; along the said highlands which  
 "divide the rivers that empty themselves into the river St. Lawrence from  
 "those which fall into the Atlantic Ocean, to the North Westernmost head  
 "of Connecticut river; thence down a long the middle of that river to the  
 "forty-fifth degree of North Latitude; from thence by <sup>a line</sup> ~~a~~ due west ~~line~~ on  
 "said latitude untill it strikes the river Iroquois or Cataraguy". "East  
 "by a line to be drawn along the middle of the river St. Croix from its  
 "mouth in the bay of Fundy to its source, and from its source directly  
 "north to the aforesaid highlands which divide the rivers that fall into  
 "the Atlantic Ocean from those which fall into the river St. Lawrence."

By a comparison, it will be readily seen that <sup>the</sup> boundaries ~~in the~~ <sup>ed boundaries</sup>  
 differ in only one place from the preestablish ~~lines~~ <sup>the</sup> which were estab-  
 lished by the British to wit at head of Connecticut river. The commis-  
 sion to Gov Carleton dated 22<sup>d</sup> April 1786 a short period after the defini-  
 tive treaty of bounds his government "South by a line from the Bay of  
 "Chaleurs along the highlands which divide the rivers that empty them-  
 "selves into the river St. Lawrence from those which fall into the Atlan  
 "Ocean to the Northwesternmost head of Connecticut river thence down alo  
 "the middle of that river to the forty-fifth degree of north latitude from  
 "thence <sup>due</sup> west on said latitude untill it strikes the river Iroquois or  
 "Cataraguy". There it was the British changed the line in their Commis-  
 sions as they had done previously after the alteration <sup>of</sup> the line by the



act of parliament of 1772. A comparison also shews the exact coincidence of this <sup>line</sup> <sup>line</sup> with the <sup>line</sup> described in the treaty of 1783. The successive Governors of the Province have been limited by the same line to the present time--although the Province of Quebec was in 1791 divided into two Provinces called in the act of division, Upper & Lower Canada.

After the division of the Province of Nova Scotia and establishing the Province of New Brunswick out of it, the Commission to Governor Carleton bounds his government "westward by the mouth of the river St. Croix by said river to its source and by a line drawn due north from thence to the Southern boundary of our province of Quebec to the Northward by said boundary as far as the western extremity ~~of the western~~ <sup>extremity</sup> of the Bay des Chaleurs, to the eastward by said Bay and the Gulph of St. Lawrence to the Bay called Bay Vesti &c". Such have been the boundaries in the Governors Commissioners of the Province from that to present time--even this year the Commission to the Earl of Durham making him Capt General and Governor in Chief over the Province of New Brunswick in America bounds his government Westward "by the mouth of the river St. Croix, by said river to its source and by a line drawn due north from thence to the Southern boundary of our province of Quebec, to the northward by <sup>the</sup> said boundary as far as the western extremity of the Bay de Chaleurs to the eastward by the said Bay and the Gulph of St. Lawrence to the Bay called Bay Vesti". A comparison <sup>of</sup> the Boundaries show them to be one and the same. A comparison of the boundaries further shows that the river St. Lawrence. and the rivers emptying into it, are all clearly and distinctly placed in one class, and all other rivers whether they fall into the Bay de Chaleur, the Gulph of St. Lawrence, the Bay of Fundy or any other Gulph Bay or Sound, are placed in another distinct class



as rivers falling into the sea or Atlantic Ocean.

so far as the territory of the State of Maine is connected  
Examine the boundaries<sup>A</sup> of the Province of Quebec<sup>A</sup> in the Proclama-  
tion of 1763 - the act of Parliament of 1772 and in all the Commissions  
of the Governors to the present day, and the Southern Boundary is uni-  
form, by the highlands which divide the <sup>rivers</sup> waters &c to the head of the  
Bay of Chaleur. Examine also the Boundaries in the Commissions to the  
Governors of the Provinces of Nova Scotia <sup>& New Brunswick</sup> and<sup>A</sup> and they are also uniform  
from 1763 to the present time, and they are bounded west by a line due  
north from the source of the river St. Croix to the Southern Boundary  
of the Province of Quebec, and northward by said boundary, as far as the  
western extremity of the bay des Chaleurs, and to the eastward by said  
Bay, the Gulph of St. Lawrence &c and what can be said of<sup>a</sup> pretence at  
this time, that the bay of Fundy is not, within the true intent and mean-  
ing of all the boundaries established as aforesaid by the British and  
adopted by the treaty of 1783, a part and parcel of the Atlantic<sup>Ocean</sup> and in-  
cluded in that description of boundary? To call such a pretence, by no  
harsher name, it is nonsense.

A brief notice of another class of facts may not be unimportant  
as they tend to shew, the construction put upon the treaty boundary by  
legislators & agents of the British Government and their men of science.

In the session of Parliament in 1783 immediately <sup>succeeding</sup> after the  
treaty, the ministry were charged with having made a bad bargain with the  
U States, by surrendering to them the country<sup>A</sup> now in question, as it di-  
vided the British provinces of Nova Scotia & Quebec, the charge was ac-  
knowledgeed by the ministry, and their apology was that by giving the U  
States this territory it would secure a more lasting peace. The map  
published with the debates of that session shews the territory as claimed  
by us.



Judge Chipman the British agent under the fifth article of the treaty of 1794 to settle what river was meant by the river St. Croix in the treaty of 1783, in his argument says--"It is sufficient here to observe, that at the time of the treaty of peace made, in 1783, the Provinces of Quebec & Nova Scotia belonged to and were in the possession of the Crown of Great Britain, and that his Britanic Majesty, had at that time, an undoubted right to cede to the U States of America such part of those territories as he might think fit; and that in making the cession of the territory comprised within the boundaries of the U States, as described in the 2<sup>d</sup> article of the treaty of peace, his Majesty must be supposed <sup>to have used</sup> as-using these terms describing these boundaries in the sense in which they had been uniformly understood by the British nation, and recognized in public documents & acts of the Government. In this sense, and no other, could they have been then understood, or can they be now claimed or insisted upon by the U States. The Province of Nova Scotia was at the time of the treaty of 1783, was, as has already appeared, bounded at the northward by the Southern boundary of the province of Quebec, which boundary was established by the royal proclamation of the 7<sup>th</sup> Oct 1763, and confirmed by the *12<sup>th</sup> of Geo 3 - C 02*, passed in the same year with the act of parliament already cited, by which it is enacted that all the territories, islands and countries in North America, belonging to the crown of G. Britain, bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees of Northern latitude on the eastern bank of the river Connecticut, &c, be annexed to and made a part and parcel of the Province of Quebec."



"As, then, at the treaty of Peace of 1783 the Northern limit  
 "of Nova Scotia was along the highlands which divide the rivers which  
 "empty themselves into the river St. Lawrence from those which fall  
 "into the sea, it unquestionably follows that the North West angle of  
"Nova Scotia, at the time of the treaty of peace of 1783 which was  
"formed by a line drawn due North from the source of the river St. Croix  
"to those highlands." If we compare this angle with the North west  
"angle of Nova Scotia described in the treaty of peace viz; that angle  
"which is formed by a line drawn due north from the source of the St.  
"Croix river to the same highlands, can it be said with any degree of  
"propriety, that the limits and boundaries of Nova Scotia, at the time  
"of the treaty of peace of 1783 and that it therefore became necessary  
"to give it, western boundary by the treaty itself, in these words to wit:  
"that angle which is formed by a line due north from the source of the  
"river St. Croix to the highlands?"

"Can it be believed or for a moment imagined, that, in the course  
"of human events, so exact a coincidence could have happened between the  
"actual boundaries of Nova Scotia and the boundary of it described in the  
"treaty, if the latter had not been dictated and regulated by the former?"

"Can any man hesitate to say he is convinced that the Commis-  
 "sioners at Paris in 1783, in forming the 2<sup>d</sup> article of the treaty of  
 "peace, in which they have so exactly described this North West angle,  
 "had reference to, and were governed by the boundaries of Nova Scotia  
 "as described in the grant to Sir William Alexander, and the subsequent  
"alteration of the Northern boundary by the erection of the Province  
"of Quebec?"



Again the British maps published separately ~~and~~ or annexed to <sup>untill 1815 ~~with in~~</sup> their histories, travels &c after the proclamation of 1763 ~~at the time~~ <sup>a-few-years</sup> ~~of-the-revelution-~~ all represent the lines as claimed now by the State of Maine. The maps published during the time which elapsed between the provisional treaty and the definitive treaty of peace to wit--

Sager and Bennet's United States of America with the British possessions &c. London 9th February 1783

Bew's North America &c. (or Rebel Colonies, now United States) Engraved for the political magazine. London, 9th February 1783.

J. Wallis United States of America, &c. London, April 1783.

J. Carey's United States of America, &c. London, July, 1783.

all shew the lines, as all the proceeding had <sup>done and</sup> shew the understanding of the people, and the nation, and no doubt were intended to aid in, or illustrate the debates in Parliament, one of them at <sup>least</sup> was, as it appears from its tittle and the purpose to which it was applied. Thus far has been detailed the understanding of the British Government and the people including the inteligent portion of them. When too the attention of the nation was distinctly whole ~~metten~~ called to the subject, when every circumstance was the most exciting, when every circumstance was as fresh as it could be in the recollection of every one, and when if there had been the slightest doubt or misapprehension, it would have appeared on the one or the other side, still the government and men of science and all collectively express but one and the same opinion. The boundaries are recognized & understood to be, where they had been before established by the British Government, adopted by the treaty of 1783 and the State of Maine now insists they are.



Again at the time of the treaty of Ghent in 1814 the British commissioners wished to purchase or acquire the territory or a part of it, for some equivalent in territory or otherwise. The whole appears in the correspondence between the commissioners of the respective governments at the time the treaty of Ghent was made.

Again in 1817 when the agents & commissioners under the fifth article of the treaty of Ghent met and instructed the surveyors to run the line according to the treaty of 1783 according to the authority given them by the aforesaid fifth article they instructed the surveyors to run an exploring line, & also a permanent line from the monument at the source of the river St. Croix due north to the rivers or a river emptying into the river St. Lawrence and thence along the highlands dividing rivers the ~~waters~~ emptying into the river St. Lawrence from those which fall into the Atlantic Ocean to the Northwestern most head of Connecticut river. Thus far there appears to have been no claims set up by the British to any part of the State of Maine, and had those instructions been throughout carried it to full and complete effect, the controversy which now exists would have been long since settled; the boundary would have been established according to the ancient lines, and the treaty of 1783. <sup>x</sup>In 1818 the British agent Judge Chipman had the address to procure the annulling of those instructions excepting so far as to continue the exploring line due north from the monument to a river emptying into the river St. Lawrence, having the line on the highlands dividing the <sup>rivers</sup> ~~waters~~ &c., to the northwestern most head of Connecticut river excepting at a few points totally unexplored. <sup>Even</sup> <sup>line</sup> An exploring ~~was~~ never run on that part of the boundary.



In the proceeding part of this report the boundaries have all been precisely and literally stated as contained in all the official acts of the British Government, to the present time, also the cotemporaneous construction of parliament, and the understand<sup>ing</sup> of the British Government, of geographers, historians and men of science, and it may now well be asked by what authority do the provincial British governments exercise any jurisdiction beyond the limits of their commissions, tax, fine and imprison our citizens, and strip or suffer to be stripped the most available and valuable timber from our forests and not only that, but interrupting and retarding the settlement of our domain consecrated by the<sup>lost of</sup> blood<sup>of</sup> our ancestors and secured to us by the solemn obligations of a treaty? The only answer is, by intrusion or invasion. Their conduct has for a long time been an act or a succession of acts of war, and were the British to pursue such a course with any European nation of sufficient strength to meet her (the Russians for instance) she would ~~have to answer for it at the cannon's mouth~~ soon find herself involved in a war. It cannot fail to astonish every man of common sense that a nation professing to be high minded and honorable should ~~should~~ so far depart from the course which they ought to pursue, as to attempt to wrest (by legerdomain) a portion of territory from the State of Maine, which all her official acts, shew so clearly belongs to it.

~~It may not be deemed totally unimportant to examine the claim set up by the British or more particularly by their agents. The claim if they are to be credited, originated in doubts, and has been kept alive by mistification and sophistry. They have been aided in their doubts by the reasoning of the King of Holland, and he seems to have had much difficulty in not deciding in~~



It may not be considered wholly unimportant, to examine briefly the claim lately set up by the British agents. The claim, if they are to be credited, originated in doubts and queries, and has been sustained by doubts, queries, mistification and sophistry. They have been aided in their doubts and queries, no doubt, by the <sup>statements</sup> <sup>language</sup> ~~reasoning~~ of the King of Holland, who seems to have had much difficulty, in not deciding in favor of the U States, and recommended a new boundary, on the ground that inasmuch, as ~~that~~ the territory intervened between the British Provinces and would interrupt their communications if it belonged to the U States, it could not be presumed that the British intended to give it when they and the U States made the treaty of 1783. At the same <sup>time</sup>, the King did not spend much time in disposing of the new pretended <sup>claim of</sup> boundary, the British mountain range from Mars hill.

Since the recommendation of the King of Holland the British appear to have taken <sup>courage</sup> and say now, the Northwest angle of Nova Scotia, cannot be found according the former description of boundaries and according to the treaty of 1783. The claim for a new boundary when first promulgated by them, within a few years, appeared by their own statements to have originated in doubts, but not even now very tangible, but as far as they can be understood, they say Mars hill is the North west angle of Nova Scotia according to the treaty of 1783, and that a mountain range from thence extends to Mt. Ktahdn. If they were to continue Southwestwardly they might find other Mountains such as Mts. Bigelow, Abraham & Mt. Washington of the White hills in New Hampshire, none of them having the slightest possible connexion with the sources of any stream emptying into the river St. Lawrence.



The British have taken good care not to explore the country with any accuracy any and only by distant views, where, by the force of a predisposition aided by imagination, from one and another place of observation, they could fancy detached mountains <sup>united in</sup> ~~in~~ ranges, and could make out sketches accordingly. If they had been governed by fair and honest intentions, and a single desire to ascertain the truth, they would have <sup>surveyed</sup> the streams, the lands, especially the lands at the heads of the streams flowing in different directions, and the mountains, and would have made maps showing accurately the true and exact features of the whole country; they would not have made and exhibited their fancy and imaginary sketches from Mars hill, Park's farm, Ktahdn, and from the sources of the Main Penobscot river, laying down Mountain ranges for many miles, where there <sup>are</sup> only lakes, level land, bogs and swamps. Such a course would not answer their purpose.

The British pretend that Mars hill is the North West angle of Nova Scotia according to the treaty of 1783. Where is Mars hill? Does any stream or even spring flow from it into the river St. Lawrence? The map shews its true position, that it is a detached eminence, surrounded <sup>line</sup> by the river St. Jon and its tributary streams. The exploring <sup>line</sup> passes through a vale to the eastward of it, and south west and north, it is divided from anything like <sup>a mountain range or even</sup> an hill ~~or mountain range~~ by rivers, & low and level lands for several miles. It is more than an hundred <sup>miles</sup> from the rivers emptying into the river St. Lawrence, and so far from dividing the rivers emptying into the river St. Lawrence from those which fall in <sup>divides</sup> to the Atlantic Ocean, it only <sup>divides</sup> streams and rivers emptying themselves in, the river St. John. It cannot be approached in a due north line from



the monument at the source of the St. Croix river, except by crossing Bulls stream, the Meduxnakeag, Presqu' Isle and other streams all empty-  
streams  
ing into the river St. John; Mars hill cannot therefore come within the boundary described in the treaty.

The northwest angle of Nova Scotia is on the south line of the Province of Quebec at the heads of the rivers emptying into the river St. Lawrence. To have been consistent ~~the-British-~~ the Province of New Brunswick ought not to have claimed and exercised jurisdiction, <sup>so</sup> many miles in a due north line, north of the northwest angle of the Province. The Province of Quebec ought <sup>to</sup> have claimed and exercised the jurisdiction <sup>not</sup> from 1783 and ought <sup>to</sup> have allowed Nova Scotia or New Brunswick to have gone any further north. The boundaries and the late claim are totally inconsistent.

It has already appeared that the British surveyors were too cautious to survey the line they seemed to pretend to claim, being aware that a <sup>statement</sup> true developement of facts would overcome theory or ~~theory~~ and such sketches as could be made from distant positions. On the map accompanying this report, the line from Mars hill is laid down according as the British claim it, from surveys made by Maine and Massachusetts of townships and the country on the line and from surveys from Mars hill along the heads of the streams, to the carrying place between the North branch of Penob- made by Daniel Rose and George W. Coffin land agents of Maine & Massa- scot river and the South branch of the river St. John, which shew a few chusetts in 1828 & Daniel Rose in 1829. detached hills and fewer mountains & and that there is no continuous range of mountains uniting, <sup>Mars hill</sup> with Mt. Ktahdan <sup>any other direction</sup> ever or any ~~where~~ between the sources of the streams, as the British surveyors have reported, as having <sup>seen</sup> distinctly, but from remote points of observation. The hills and mountains



are many miles asunder, divided by lakes, rivers, and swamps, and level land.

No one who examines the subject thoroughly, the long list of reiterated and positive evidence, and the late claim of the British can suppose that the British ever expected to obtain it. <sup>may reflect</sup> However much it, upon a nation calling themselves "high minded and honorable", it cannot be supposed that they ever expected, by any management, to obtain only a part, to wit, a tract to the northward of the river St. John, to secure <sup>in</sup> the intercourse between the Provinces.

If the subject is examined in all its bearings and consequences it will be perceived that the territory north of the river St. John is the key stone of the arch, and if given up, leaves the <sup>whole</sup> territory watered by the river St. John and its tributaries, at the mercy of the British, and essentially a part of the Province of New Brunswick. They, by commercial or other regulations, can render the vast quantities of pine timber now standing and growing in that region valueless to the State of Maine, they may harvest the profits of <sup>the timber and</sup> the industry of the people, and <sup>them</sup> <sup>ant</sup> make and make depend, and prevent anything but a nominal connexion with the state. <sup>therefore</sup> No consideration, ought, to induce the state to give up any <sup>its</sup> portion of ~~the~~ territory which was secured by the toils and blood of the Patriots of the Revolution and guaranteed by the treaty of 1783.

If the right of passage be desired by either party, by the British, <sup>through the State of Maine</sup> between their provinces or by the State of Maine between their territory and the sea, for either party to transport their mails or productions or whatever they please, there does not appear to be any very strong or reasonable objection to it. A reciprocal arrangement might be made, securing the rights of passage to each which would be mutually beneficial, and to carry such an arrangement into full and complete



effect  
complete, no cession of Territory by either party is necessary.

In time of war the free use of the right of passage, ~~might~~ may be interrupted according to inclination or the force of the parties. A cession of territory by either party, will give to the party to whom the territory is ceded a decided advantage. The party who has the cession of territory can by ~~petty~~ regulations or ~~otherwise~~, whenever it sees fit interrupt the ~~pretrated~~ <sup>by the conduct of her officers</sup> ~~tion~~ passage, for which there will be no redress except through <sup>negotia-</sup> of which. Should it be thought advisable to grant a right of passage or war. ~~Nothing-were-than-the-right-of-passage-ought-to-be-granted,~~ that and, too, on reciprocal grounds, leaving the territorial jurisdiction where it now belongs. It would leave such party with equal rights and equal coercive power ~~ever-each-ether~~, and ensure the most lasting continuance to the arrangement.

A right on paper only, securing the free navigation of the river <sup>or the U States</sup> St. John to the State of Maine, as far as any opinion can be formed, from the continual and daily violations, by the Province, of the most solemn acts of the British government, if the State of Maine yields to the right of sovereignty of any portion of her territory at the north, would be of very little value. Her citizens in the transit of their lumber or their produce might be continually interrupted, their property might be detained, <sup>their ing</sup> without, <sup>be</sup> able to procure redress during the period of their lives--as redress must depend upon a long protracted negotiation of which we have sufficient experience or a war.

The commissioners are preparing a map of the country to explain and illustrate the prominent facts and features presented in their report, and to which map reference has been repeatedly made. But the map not being completed, they can with this report deliver only a rough draft as far



as they have made it, <sup>but</sup> ~~and~~ will deliver a more perfect map of the country as far as facts, explorations and surveys furnish the authorities, <sup>as soon as it can be finished</sup> Future explorations & surveys will, no doubt develop new facts which <sup>can</sup> hereafter be added. It has been, and is the intention of the commissioners, to represent the great and prominent features of the country, its principal rivers and branches, and its mountains correctly, which they presume they shall accomplish, while some of the minor facts may be less accurate for want of proper authorities.

The map accompanying this report is marked No 1

~~Wm-B.-Parrotte-report-and-plans~~

Gen Irish's Plan is marked No 2

Wm P. Parrots Report & plans <sup>are</sup> ~~are~~ marked No 3

~~Col-Bouchettes-Ver~~

A copy of Col Bouchettes vertical section from the monument ~~North~~ <sup>north</sup> ~~from-the-source~~ at the source of the river St. Croix, ninety nine miles taken by him in 1817 while he was the principal British surveyor under the fifth article of the treaty of Ghent, is marked No.4.

The commissioners having been by their instructions <sup>directed</sup> to make further enquiries, they will as soon as they can, make another report embracing all the subjects to which their attention was called and <sup>are</sup> not embraced in this report.

|               |                 |
|---------------|-----------------|
| John G. Deane | } Commissioners |
| M. P. Norton  |                 |
| James Irish   |                 |

Augusta Dec 31, 1838